

# CLERICVS

## MERCATI, &c.

An Humble Remonstrance of the severall Heads and ground-works conceived, for the draught of a Bill of Information, to be exhibited into the High Court of PARLIAMENT.

Concerning the generall Clarke of the Market, and the Legall proceedings thereof.



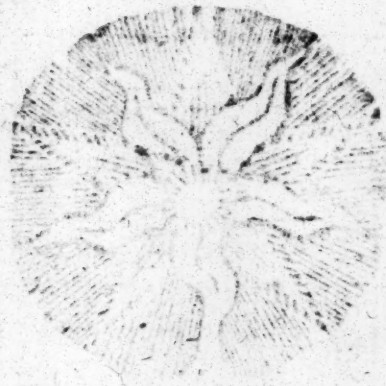
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# CLERICS

M. E. C. A. T. I. & Co.

An Humble Petition of the  
tailors and gown-makers  
the draught of a Bill of Information to be  
into the High Court of Parliament  
Concerning the general Clarke of the Market  
and the Legall proceedings thereof



LONDON

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## Clericus Mercati, &c. ff.

*An humble Remonstrance of the severall heads, and ground-worke conceived, for the draught of a Bill of Information, to be exhibited into the High Court of Parliament, concerning the generall Clarke of the Market, and the legall proceedings thereof, &c.*

*Viz.*



Forasmuch as the plenty of every Common-wealth, doth principally consist upon mutuall commerce and Traffique, and such Commerce is solely continued by the conformity and equality of Weights & measures; so on the contrary (the diversity of weights of measures) introduceth many frauds and deceits; The examination and reformation whereof, together with the Inquisition and punishment of the deceits and abuses practised by unconscionable persons, buying or selling by weights or measures, doth anciently & properly appertain to the duty & office of a Clarke of the Market; And as the just and due examination of the said Office, is very necessary and behoovefull for the publique weale of the Kingdome, so the misse-act thereof, doth draw and procure many

grievances and oppressions upon his Majesties loy-  
all subjects, for redresse & prevention whereof, these  
ensuing particulars, would be maturely considered  
off.

*viz.*

*The Office it selfe is executed diversly.*

*viz.*

1. By the Kings generall Clarke of the Market.
2. By the Clarks of the Dutchy of Lancaster.
3. By Magistrates of Cities & Corporate Townes.
4. By sundry other Charters & Franchised Liberties.

1. *The Kings Clarke of the Market is charged, &c.*

*viz.*

1. For taking common Fynes.
2. For exacting more Fees then are due.
3. For imposing Fynes without due tryall of of-  
fences.
4. For quarrelling with Weights and measures  
produced before him, for the purpose onely to get  
new Fees for the sealing thereof.

2. *The Dutchy Clarks are charged, &c.*

*viz.*

That the Office is executed by them, without re-  
spect of ease to the Subject, for the lands of the  
Dutchy being so intermixed with the lands of the  
Guildable, and the Liberties of both (in many pla-  
ces) lying in very small parcells together, so that  
neither Officer can make a reasonable dayes worke  
or court, without much trouble to the Subject, in  
calling some of them 12, and sometimes 16 miles  
distance and remote from either Courts, And where  
a Towne



a Towne or Tything is part Guildable and part Dutchy, there the Dutchy Clarke summoneth all, and taketh Fees of all persons, and the Kings generall Clarke, comming after him doth the like with the Guildable, to the double grievance of the Tennants and Resiants of them both; And moreover the Dutchy Clarke is not free from the particulars aforesaid, layed to the Kings generall Clarks charge.

3. *The Clarkes of Cities and Townes Corporate, are charged, &c.*  
*viz.*

1. That they consist most of Tradesmen, as Bakers, Brewers, Maulsters, and Inholders or the like, who for the most part are offenders, yet are made principall Officers, and in these also, with the rest, the Clarkeship of the Market doth reside, and those rather intend their owne profits, then publique conformity.

2. That these also under colourable pretences, give allowance to greater Measures then the Law alloweth, suggesting thereby that the trade of their Towne is increased, the buyers enriched, and the poore more plentifully used, whereas in truth it begetteth confusion and leaveth the subject, the one to defraud the other.

3. That these also being both Judge and party within themselves, no punishment seemeth grievous, in respect the Fynes (for the most part) being their owne, the forfeiture is seldome taken, by reason the fault is among their natives generally.

4. That these likewise commit the trust and custody of their Seale to one of their Serjeants, and the fixing of their Measures to some peore Cobper of their City or Town, both which persons, being but in nature their servants, and are in such subjection, as they dare not offend, and by this means all measures are made there of an extraordinary large content, for the buyers advantage; for it is evident, that most corporate Townes, buy in by the greater measure, and sell out by the lesser, which is a monstrous oppression to the Subject.

4. *The Clarke of other Franchises, Leets, or Liberties, are charged, &c.*

*Viz.*

That these for the most part doe no execution of this kind at all, and where they doe, it is out of course, for no reformation ensueth, which is rather a protecting of offences, then a punishing; for all these (with many others) the imputation lyeth, and is alwayes objected to the Kings Clarke of the Market; for the Country (ignorantly supposing) there should be no other Clarke but him and his Deputies, finding themselves reformed by him onely, and others at Liberty and not reformed, cast all the scandall and reproach on the Kings Officer onely.

*To remedy all these miscarriages, and that a faire and legall course may be held in generall throughout the Kingdome, as well within Liberties as without; It may be enacted according to these ensuing particulars.*

*viz.*

1. That



1. That no person be chosen to execute the said Office, but such as shall be of sufficiency in estate, to be responsible for all wrongs done by them, and of ability to execute the duties incident to the said Office.

2. That such persons as shall be chosen and authorized to execute the said office, shall before he meddle with the execution of the same, enter into a recognizance in a good summe of money, and also take a corporall oath, to execute the said office justly and uprightly during the time he shall continue in the said office, without exacting unjust fees, or discharging offenders without punishment.

3. That no person authorized to execute the said office, receive any greater fees then anciently have been accustomed, and hereafter are allowed and expressed, nor receive any common Fine, or any gift or reward for discharging of any offence inquirable or punishable by or before him, upon payne of forfeiture of a good summe of money, being thereof lawfully convicted.

4. That the said office be not granted to the chiefe Officer of any City, Borough, Towne Corporate, or Market Towne, for that such persons (for the most part) acquire their chiefeest livelihood by buying and selling, and are generally conscious of the frauds and deceits committed in different Weights and measures, and therefore altogether neglect the due execution of the said Office.

5. That the said Office be not granted unto such person or persons, who have the Fines and Amercements set by or before the Clarke of the Market,

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granted unto them, because such persons aiming at their owne particular profit, doe impose immoderate Fynes upon offenders, and therefore are not competent Judges in such cases.

6. That whereas every City, Borough, Town Corporate and Market Towne, doth now a dayes strive to exceed each other in the grearneffe of Weights and Measures; well knowing that all buyers will frequent that Market, where they may have greatest measure, and that all sellers most repaire, where there are most ready buyers; therefore that every City, Borough, Towne Corporate, and Market, might keepe and maintaine a common Bushell or two (according to the greatneffe of the Market) containing full eight gallons neither more nor lesse, and agreeing to the standard of his Majesties Exchequer, and not suffer any other measures to be used, but such as shall be agreeable to the same measure in quantity or even proportion; and that the same measure or measures, may be continually (especially upon the Market dayes) hanging up fast fixed with a chayne in the publique Market-place, & also common with both *Troy* and *Avoirdupoise* ready in the same Market, to be used by the subje & both buyer and seller as need shall require.

7. That whereas most Bakers doe usually buy their corne, by a Bushell which shall containe ten gallons, and sometimes more, and yet doe neverthelesse asfize their bread, but after the rate of eight gallons to the bushell and sometimes under; That no Bakers doe buy by any other measure, then after eight Gallons to the bushell, and eight bushells to the quarter,



ter, upon a good penalty; unlesse he buying by any other degree or even proportion, warrantable by Law or common usage, may alwaies be constrained to assize his penny and halfe-penny loaves accordingly.

8. That no Chandler, Badger, Loader, Miller, Mealeman, Maultman, or any other person doe keepe, buy, or sell by any other measures then as aforesaid.

9. That every person doe buy or sell their corne and grayne, or other commodities by just and equall Weights and measures agreeing with the standard of the Exchequer, and that every such measure be even striked and not heaped up, & that the strike or strickle wherewith the said corne or other commodities shall be striken, be made even, and not above the thicknesse of one inch in breadth, without any manner of running in the sloping or hollownesse of it, now too much abusively used in publique Markets; and that the use of all Roles, and other deceitfull strikes, now used in most parts of the Realme, be absolutely suppressed, being so evident, that by the use of them, the seller is alwaies extreamly injured and oppressed.

10. That no Baker sell, nor any other person or persons buy to sell againe, above 13 penny-loaves for 12. penec, and that no poundage be given by the Baker to any Inkeeper, Victualler, or any other person, in money or otherwise.

11. That all Inholders and Hostler, doe sell their Hay and Provender at indifferent rates and prizes, and that every of them have one Gallon measure sealed, and agreeing with his Majesties said standard, hanging fixed with an Iron chayne at his stable or hostrie doore, publike in the view of all his guests.

12. That wheras the excessive gaine of Innes, Victu-  
B. alling

alling houses and Hostries, is most grievous to the  
 Common wealth, which is chiefly occasioned by greedy  
 desire of unlawfull gaine, in letting to farme their  
 Hostries and Tap-houses to their Hostlers, servants,  
 and Tapsters, some paying to the Master 15 s. for  
 that barrell of Beere, for which the Master paid 8 s. or  
 lesse to the Brewer, and 11 s. 8 d. for the bussell  
 of Oates, which cost the master but 14. d. 18 d. or  
 20. d. at the most; thereby enforcing the said Host-  
 lers and Tapsters, to sell to the Kings Subjects, by  
 farre lesser measure, then the Kings standard, to make  
 themselves some profit by the said Farme; it being  
 often found by surveigh of the generall Officers Depu-  
 ties upon examination of the said Measures, that the  
 halfe peck, which should containe eight pintes, hath  
 not contained full five pintes, and the great Jugges  
 sold for 4. d. hath not contained two quarts, which  
 should containe foure, and the 2. d. Jugges not a full  
 quart by the standard, which should containe two  
 quarts.

13. That it may be enacted, that no Inkeeper, Vi-  
 ctualler, or Hostler, doe let or set to Farme his Sch-  
 ler, Tap-house, Stable, or Hostry, but to keep the same  
 in his owne hands, and sell onely by lawfull measures,  
 sealed, and agreeing with the Kings standard, and to  
 sell his Hay and Provender, for moderate and indiffe-  
 rent prizes, viz. A fourth part in the valew ever and  
 above the rates in the Market, as it shall bee then  
 from time to time; and this to be performed upon  
 forfeiture of a good summe of money for every of-  
 fence found and presented by Jury.

14. That no person or persons shall vent or sell his  
 Beere



Beere or Ale by Iugges or Stone pots, that shall not containe full pintes, quarts, pottles, gallons, and that no such pots or jugges be imported or made within the Kingdome, but such as shall be of the proportion and content in quantity as aforesaid, and to have some marke of distinction in the framing of them, which may be conspicuous to all men.

15. That Brewers be restrained from selling their Beere and Ale at excessive rates, as at ten shillings, twelve shillings, fourteen shillings, fifteen shillings, eightene shillings, and sometimes twenty shillings the Barrell, but that all Brewers brewing to sell in Hoggs-heads, Barrells, Kilderkins, or Firkins, may be confined, to sell according to the Statute of 28.

Hen. 8. That whereas there is yet no direction, neither by Statute, nor other Order, to guide any Officer for the true Asize of Bread, made of any graine but Wheat onely, and that the Bread most used to bee put to Sale by Bakers, for the reliefe of the poorer sort, is made of Rye or Malslyn, which is Wheat and Rye or Barley mixed together, in which the poore are daily pinched and wronged; may it therefore please this Honourable Assembly, to take the same into their consideration, and pray that the Officers of his Majesties Bake-house, may be directed to make a tryall of the same Graine, and in their judgements upon their Oathes set downe a certaine Asize to guide both Officer and Baker, beginning from Twelve shillings the quarter unto 3. l. 6. d. the quarter, for want of which experiments,

the common Bakers are at their own appointment for sinister advantage, but the poore are ground inevitably by unconscionable Bakers.

17. That whereas the usuall course for the discovery of these and other offences inquireable by the foresaid Clarke of the Market, is either by making particular search or by generall summons, neither of which being able to make a perfect discovery, it being still voluntary honesty, whether any will leave (or shelter) their false Measures or Weights at home or not; That the Clarke of the Market or their Deputies, may be enabled to give oath to such as shall give cause of suspect, whether directly or indirectly, he hath any false weights or measures at home, or in the custody of others,

18. That the originall standards of the Exchequer may be reviewed and examined, to see whether they differ in proportion the one from the other or not; forasmuch as the brassen Quart standard, hath beene found different from the other, occasioning the Officer to misse guide or frame some measures uncertain, if corrected by that originall quart standard.

19. That whereas there are at this day in divers Cities, Boroughs, and Corporate Townes, and in many other parts and places of the Kingdome (especially in the Northerne and Western parts and Dominion of *Wales*) false and deceitfull Weights and measures, of different contents one from another, and all repugnant and disagreeing from the originall standard of his Majesties Exchequer, appointed (by Law) to bee the rule and direction for them all; May it be enacted upon a severe penalty or forfeiture of franchises, that upon a set time prescribed a due reformation & conformity



formity may forthwith be obtained and procured, within all such refractory Franchises or Liberties.

20. And lastly, that the ancient and accustomed Fees, which have been formerly by long custome and use approoved off, and settled by sundry Proclamations appertaining to the generall Clarke of the Market onely, and to none other such like Officer; may be revised, considered, ratified, confirmed, and declared by publique authority, and so made plain and conspicuous to generall view and notion; To the end such a necessary Officer, and his severall Deputies may be supported, continued, and encouraged to execute their places with diligence and integrity, the which acquire such assiduell trouble, travell, and charges; Forasmuch, as it doth and may appeare that the Country generally in former times, have borne this Officers charges, besides his recompence, whereupon a particular Statute was afterwards enacted, restraining and confining him to travell but with sixe horse, to avoid (as it seemed then) unnecessary burden and charges to the subject.

*The substance and contents of a Booke of Assize and plain direction, as well for Officers as the subject generally, and how to understand and put into generall practise and execution, all, and every the contents of the premisses which shall be thought meet and expedient; The Tract is entituled The generall Clarke of the Market, ready composed and provided for the Presse, and publique use and service of the Common-wealth of England and Ireland, and Dominion of Wales, &c.*

*viz.*

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*The Argument, Contents, disposition, and convenient use of the whole worke, &c.*

1. A plain declaration of the generall proceedings of the Clarke of the Market, or a true Assize of all things vendible by Weights or measures, drawne and collected as well from the sacred Lawes of divine institution, as also from the common Lawes and practise, and most ancient Statutes of this Kingdome of England itill in force and unrepealed.

2. Together with a true and generall calculation of all sorts of Weights and measures, with a proportionable differenece, yet just agreement upon due and lawfull Assize, with a new revised and enlarged booke of Assize for bread alone, necessary for the use aswell of publique Officers as common Bakers; and also very fit to be knowne, understood, and practised by all men generally, especially in matters of mutuall commerce and Traffique, betweene man and man, one Countrey and another, whereby a just and equall conformity upon Weights and measures, may be alwaies and every vvhere practised and observed proportionably, according to the standards of his Majesties Exchequer; neverthelesse every County or Shire may reserve among themselves, their ancient customes and usages, avoiding all colour of any sinister fraud or deceipt.

3. And lastly, a due regulation of that most ancient Office of the Clarke of the Market of the Kings Household according to its Primary and first institution, digested into a plain & settled forme and demonstration (by way of an Inquisition) to be holden yearly



before him, or any other Officer, that hath lawfull power or jurisdiction therein ; very beneficiall for all his Majesties Subjects in generall, but chiefly for all Majors of Corporations, Bayliffes of Liberties, Portreeves, Constables, Ale-tasters, Tything-men, or any other Officers, to whom the weekely or monethly observation of the due Assize of all things (especially of Bread, Drinke, or any other victuall) doth, shall, or may appertaine, very needfull to bee practised throughout his Majesties Dominions, as well within Liberties as without.

*Per me* BEN: AGAR.



FINIS.



